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December 6, 2021

VIA ECF

The Honorable James M. Wicks, U.S.M.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: ***Di Iorio v. The County Of Suffolk 2:21-cv-01273-JMW***

Dear Judge Wicks:

I represent the Plaintiff in the above referenced matter. I move, pursuant to Local Rule 1.4, to withdraw from the above referenced case, and for a stay of 60 days for the Plaintiff to find substitute counsel. I also respectfully request leave to file a supporting affidavit under seal as it contains confidential information.

District courts have wide discretion in deciding whether to grant a motion for an attorney's withdrawal. *Whiting v. Lacara*, 187 F.3d 317, 320 (2d Cir. 1999).

Local Civil Rule 1.4 provides:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of the court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar.

“The Model Code of Professional Responsibility (“Model Code”) provides guidance as to when this Court may grant a motion for withdrawal of counsel.” *Koon Chun King Kee Soy & Sauce Factory, Ltd. v. Kun Fung USA Trading Co.*, No. 07-CV-2568(CPS)(SMG), 2009 U.S. Dist. LEXIS 17694, at *5 (E.D.N.Y. Mar. 9, 2009) (citing *Whiting v. Lacara*, 187 F.3d 317, 321 (2d Cir. 1999)). Under the Model Code, moving to withdraw is mandatory where “(1) The representation will result in violation of the Rules of Professional Conduct or other law; (2) The lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or (3) The lawyer is discharged.” Model Code, § 1.16(a); *see also* 22 N.Y.C.R.R. § 1200.15(b).



December 6, 2021

Page 2 of 2

I will not be seeking a charging lien on any recovery. However, I reserve the right to move for an award of attorney's fees and costs pursuant to a fee-shifting statute should the Plaintiff prevail.

Respectfully submitted,

/s/ Steven J. Moser

Steven J. Moser

TO: All counsel of Record (VIA ECF)
Anne Di Iorio (Via USPS Express Mail)

CERTIFICATE OF SERVICE

I hereby certify under the penalties of perjury pursuant to 28 U.S.C. § 1746 that on December 6, 2021 I served the within motion to be relieved as counsel and the supporting documents thereto via USPS Express Mail, overnight delivery, to: Anne Marie Pagan Di Iorio
42 Roosevelt Ave
Islip, NY 11751

Dated: Huntington, New York
 December 6, 2021



Laura Lazo